

NOT TO BE PUBLISHED

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
(Sacramento)

THE PEOPLE,

Plaintiff and Respondent,

v.

VERNON NOISE DUNLAP,

Defendant and Appellant.

C063090

(Super. Ct. No.
09F03473)

During a vehicle stop of a car registered to and driven by defendant Vernon Noise Dunlap, police discovered 13.6 grams of methamphetamine in the car's front passenger floorboard area. According to the factual basis stated for the plea, "[t]he controlled substance was possessed unlawfully at the time by the defendant for purposes of sale" and "were an expert to testify at the trial in this matter, the expert would opine that, in fact, the possession of that much methamphetamine under these facts and circumstances was possessed with intent to distribute." Represented by counsel, defendant pleaded no contest to possession of methamphetamine for sale (Health & Saf.

Code, § 11378) and admitted a prior strike conviction (Pen. Code, §§ 667, subds. (b)-(i), 1170.12) in exchange for a six-year prison sentence and dismissal of other charges against him. Pursuant to the negotiated plea, the court sentenced defendant to the upper term of three years, doubled pursuant to the prior strike, for an aggregate term of six years in state prison. The court imposed specified fees and fines and awarded defendant 87 days' presentence custody credit. Defendant filed a timely notice of appeal.

We appointed counsel to represent defendant on appeal. Counsel filed an opening brief that sets forth the facts of the case and requests this court to review the record and determine whether there are any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436.) Defendant was advised by counsel of the right to file a supplemental brief within 30 days of the date of filing of the opening brief. More than 30 days elapsed, and we received no communication from defendant.

Having undertaken an examination of the entire record, we find no arguable error in favor of defendant.

DISPOSITION

The judgment is affirmed.

We concur: _____, HULL, Acting P. J.

_____, ROBIE, J.

_____, BUTZ, J.